

GENERAL ORDERS, }
No. 68. }

WAR DEPARTMENT,
ADJUTANT GENERAL'S OFFICE,
Washington, March 18, 1863.

I.. Before a General Court Martial, which convened at Sandy Hook, Maryland, December 9, 1862, pursuant to General Orders, No. 14, of October 9, 1862, Special Orders, No. 135, of November 6, 1862, and General Orders, No. 30, of December 6, 1862, from the Headquarters, 1st Division, 12th Corps, and of which Lieutenant Colonel JAMES L. SELFRIDGE, 46th Pennsylvania Volunteers, is President, was arraigned and tried—

First Lieutenant *John C. Walsh*, 28th New York Volunteers.

CHARGE 1st.—“Misbehavior before the enemy.”

Specification—“In this; that he, the said First Lieutenant *John C. Walsh*, Company ‘B,’ Twenty-eighth Regiment New York Volunteers, did, at the battle of Cedar Mountain, Virginia, on the ninth of August, 1862, run and hide behind shocks of wheat as the Twenty-eighth Regiment New York Volunteers were charging upon the enemy at the commencement of the said battle of Cedar Mountain; and he, the said First Lieutenant *John C. Walsh*, Company ‘B,’ Twenty-eighth Regiment New York Volunteers, did not come near the aforesaid Company ‘B’ during the aforesaid battle, but ran away upon the first fire of the enemy; and previous to the commencement of the said battle of Cedar Mountain, the said First Lieutenant *John C. Walsh*, Company ‘B,’ Twenty-eighth Regiment New York Volunteers, when there was no enemy in sight, commenced firing a pistol, while the said Twenty eighth Regiment New York Volunteers were in line of battle, in the woods. All of this about six miles from Culpeper Court-house, Virginia, on or about the ninth day of August, 1862, at what was called the battle of Cedar Mountain.”

CHARGE II.—*Thrown out by the Court.*

CHARGE III.—“Conduct prejudicial to good order and military discipline.”

Specification 1st—“In this; that he, the said First Lieutenant *John C. Walsh*, Company ‘B,’ Twenty-eighth New York Regiment Vol-

unteers, did leave his post while on picket duty at night, and did gamble and play a game of chance with cards for money four hours, or longer, with Corporal Shuler S. Smedley, and Private James Goggin, and Private Michael Finnegan, all of the Company 'B,' Twenty-eighth Regiment New York Volunteers; and that he, the said First Lieutenant *John C. Walsh*, of the aforesaid Company and Regiment, was told by his superior officer, who was in command of the picket guard, Captain William W. Bush, Company 'B,' Twenty-eighth Regiment New York Volunteers, that the enemy was in large force not over two and one-half miles off from the post; that he, the said First Lieutenant *John C. Walsh*, Company 'B,' Twenty-eighth Regiment New York Volunteers, was placed in command of, and that there were no troops within a less distance than six miles from the aforesaid Company 'B,' Twenty-eighth Regiment New York Volunteers, to fall back upon for support in case of an attack by the enemy. All this upon the bank of the Potomac river, six miles from Hancock, Maryland, on or about the twenty-second day of January, 1862. The said First Lieutenant *John C. Walsh*, Company 'B,' Twenty-eighth Regiment New York Volunteers, did hold at this time the rank of Second Lieutenant in the aforesaid Company and Regiment."

Specification 2d—"In this; that he, the said First Lieutenant *John C. Walsh*, Company 'B,' Twenty-eighth Regiment New York Volunteers, did play a game of chance with cards for money with Third Sergeant William White, and Private Patrick F. Hanley, and Musician Wright Boodger, all of Company 'B,' Twenty-eighth Regiment New York Volunteers. This in the presence of a number of enlisted men of the aforesaid Company and Regiment. All of this at the camp of the Twenty-eighth Regiment New York Volunteers, near Muddy Branch, Maryland, on or about the tenth day of November, 1861. The said First Lieutenant *John C. Walsh*, Company 'B,' Twenty-eighth Regiment New York Volunteers, did, at this time, hold the rank of Second Lieutenant in the said Company 'B,' Twenty-eighth Regiment New York Volunteers."

Specification 3d—Thrown out by the Court.

Specification 4th—“In this; that he, the said First Lieutenant *John C. Walsh*, Company ‘B,’ Twenty-eighth Regiment New York Volunteers, did gamble and play a game of chance with cards for money with Third Sergeant William White, and Musician Wright Boodger, and First Sergeant George F. Maxwell, all of Company ‘B,’ Twenty-eighth Regiment New York Volunteers. This in the presence of a number of enlisted men of the aforesaid Company and Regiment. All this at the camp of the Twenty-eighth Regiment New York Volunteers, near Muddy Branch, Maryland, on or about the fifteenth day of November, 1861. The said First Lieutenant *John C. Walsh*, Company ‘B,’ Twenty-eighth Regiment New York Volunteers, at this time, did hold the rank of Second Lieutenant in the aforesaid Company and Regiment.”

Specification 5th—“In this; that he, the said First Lieutenant *John C. Walsh*, Company ‘B,’ Twenty-eighth New York Volunteers, did gamble and play a game of chance with cards for money with Private Patrick F. Hanley, and Third Sergeant William White, and First Sergeant George H. Maxwell, all of Company ‘B,’ Twenty-eighth Regiment New York Volunteers. All this at the camp of the Twenty-eighth Regiment New York Volunteers, near Muddy Branch, Maryland, on or about the twentieth day of November, 1861. The said First Lieutenant *John C. Walsh*, Company ‘B,’ Twenty-eighth New York Volunteers, at this time, did hold the rank of Second Lieutenant in the aforesaid Company and Regiment.”

Specification 6th—“In this; that he, the said First Lieutenant *John C. Walsh*, Company ‘B,’ Twenty-eighth Regiment New York Volunteers, did obtain a leave of absence for twenty days, on a surgeon’s certificate of disability, April fourteenth, 1862, and did not return to the Twenty-eighth Regiment New York Volunteers until the twenty-eighth day of June, 1862. He was reported absent fifteen days without leave. He, the said First Lieutenant *John C. Walsh*, Company ‘B,’ Twenty-eighth Regiment New York Volunteers, did, at this time, hold the rank of Second Lieutenant in the aforesaid Company and Regiment.”

Specification 7th—“In this; that he, the said First Lieutenant *John C. Walsh*, Company ‘B,’ Twenty-eighth Regiment New York Volunteers, did leave his company while on the retreat of General Pope’s army from Culpeper Court-house, Virginia, to Alexandria, Virginia, and did remain absent from about the twenty-second day of August, 1862, until about the sixth day of September, 1862, without proper authority.”

Specification 8th—Thrown out by the Court.

To all of which charges and specifications the accused, 1st Lieutenant *John C. Walsh*, 28th New York Volunteers, pleaded “Not Guilty.”

FINDING.

The Court, having maturely considered the evidence adduced, finds the accused, 1st Lieutenant *John C. Walsh*, 28th New York Volunteer, as follows:

CHARGE I.

Of the *Specification*, “Not Guilty.”

Of the CHARGE, “Not Guilty.”

CHARGE III.

Of the 1st *Specification*, “Guilty, except the words ‘that he did leave his post.’”

Of the 2d *Specification*, “Guilty.”

Of the 4th *Specification*, “Guilty.”

Of the 5th *Specification*, “Guilty.”

Of the 6th *Specification*, “Guilty.”

Of the 7th *Specification*, “Not Guilty.”

Of the 3d CHARGE, “Guilty.”

SENTENCE.

And the Court does therefore sentence him, 1st Lieutenant *John C. Walsh*, 28th Regiment New York Volunteers, “To be dismissed the service of the United States.”

II.—The record of the proceedings in the foregoing case shows that, after the trial of Lieutenant Walsh had proceeded several days, two

new members were added to the Court, one at least of whom sat upon the Court at different times during the trial. Besides this irregularity, the record does not show that the new members were sworn. The proceedings are thus vitiated, and are disapproved by the Major General Commanding the Army of the Potomac. But the testimony shows so clearly that Lieutenant Walsh is unfit to hold a commission, that the proceedings have been forwarded for the action of the President, with a recommendation that Lieutenant Walsh be dismissed the service of the United States. The recommendation is approved, and 1st Lieutenant John C. Walsh, 28th New York Volunteers, ceases to be an officer in the United States service.

BY ORDER OF THE SECRETARY OF WAR:

L. THOMAS,
Adjutant General.

OFFICIAL:

Assistant Adjutant General.